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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,868	12/20/2001	Andrew Rodney Ferlitsch	10237.11	1853
21999	7590	12/16/2004	EXAMINER	
KIRTON AND MCCONKIE 1800 EAGLE GATE TOWER 60 EAST SOUTH TEMPLE P O BOX 45120 SALT LAKE CITY, UT 84145-0120			WALLERSON, MARK E	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/026,868

Applicant(s)

FERLITSCH, ANDREW RODNEY

Examiner

Mark E. Wallerson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-36 and 41-45 is/are rejected.
- 7) ☐ Claim(s) 37-40 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/8/03, 10/27/03, 3/11/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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Part III DETAILED ACTION

Notice to Applicant(s)

1. This application has been examined. Claims 1-45 are pending.

Information Disclosure Statement

2. The references listed in the Information Disclosure Statements dated 3/15/04, 10/27/03, and 6/25/02 have been considered by the Examiner and is attached to this Office Action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 41, 42, 43, 44, and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Deppa et al (Deppa) (U.S. 6,151,134).

With respect to claims 1, 9, 10, 11, 20, 21, 28, 29, 31, 32, 33, 34, 36, 43, 44, and 45, Deppa discloses computer-based printing system (figure 1) comprising a computing device (12) containing print data and capable of initiating a print job (column 3, lines 13-25); one or more output devices (14) accessible from said computing device (12), said output devices (14) having one or more corresponding printer drivers (34) in support thereof; means for initiating a print job (column 4, lines 8-17), said means indicating that said print data is to be despooled to one or

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more of said output devices (column 4, lines 8-17), said print job comprising said print data (column 4, lines 8-17); a virtual printer driver (36) supported by said printing system and called by said means for initiating said print job, wherein said virtual printer driver determines and selects which of said output devices to send said print job (column 3, line 60 to column 4, line 7 and column 5, lines 44-58), said determination based upon a best fit analysis between said output devices and one or more options and requirements of said print job (column 3, line 60 to column 4, line 7), without manual enumeration of each of said output devices (column 4, lines 2-58); and a print control assembly in communication with said computing device, said print control assembly capable of storing, processing and directing a set of printing instructions as received from said virtual printer driver (column 6, lines 4-41).

With regard to claims 2, 3, and 4, Deppa discloses a local or network environment (column 3, lines 18-25).

With respect to claims 5, 6, and 7, Deppa discloses the virtual driver is supported on the computing device (figure1).

With regard to claims 8, 14, 15, 16, 17, 18, and 19, Deppa discloses determining the parameters of the printer (column 3, line 60 to column 4, line 2 and column 11, line 49 to column 12, line 11).

With respect to claims 12 and 13, Deppa discloses the virtual driver comprises a dialog comprising selectable options (column 5, lines 44-58 and column 6, lines 15-28).

With regard to claims 22, 23, 30, and 42, Deppa discloses a user selects the output device, and the printing instructions are written to the print control assembly by the computing device (column 4, lines 4-17).

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With respect to claims 24, 25, and 41, Deppa discloses the printing instructions are written to the virtual printer driver, said virtual printer driver subsequently plays back said printing instructions to said print control assembly (column 6, lines 4-29).

With regard to claims 26 and 27, Deppa discloses the print control assembly includes a spooling device contained within the printer (18).

With respect to claim 35, Deppa discloses selecting based on resolution (column 3, lines 60-67).

Allowable Subject Matter

5. Claims 37-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark E. Wallerson whose telephone number is (703) 305-8581. The examiner can normally be reached on Monday-Friday - 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (703) 305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark E. Wallerson
Primary Examiner
Art Unit 2626

MARK WALLERSON
PRIMARY EXAMINER

